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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY,  Debtor.	Case Nos.: BK-S-06-10725-LBR BK-S-06-10726-LBR BK-S-06-10727-LBR BK-S-06-10728-LBR BK-S-06-10729-LBR  JOINTLY ADMINISTERED Chapter 11 Cases  Judge Linda B. Riegler  <b>NOTICE OF HEARING ON MOTION FOR APPROVAL OF SETTLEMENT PURSUANT TO RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE</b>  Hearing Date: February 20, 2009 Hearing Time: 10:30 a.m. PST
In re: USA CAPITAL REALTY ADVISORS, LLC,  Debtor.	
In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  Debtor.	
In re: USA CAPITAL FIRST TRUST DEED FUND, LLC,  Debtor.	
In re: USA SECURITIES, LLC,  Debtor.	
Affects: <input type="checkbox"/> All Debtors <input checked="" type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC <input type="checkbox"/> USA Capital First Trust Deed Fund, LLC <input type="checkbox"/> USA Securities, LLC	

**NOTICE IS HEREBY GIVEN** that a Motion for Approval of Settlement Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the "Motion") was filed on February 10, 2009 by the USACM Liquidating Trust (the "USACM Trust") [Dkt. No. 6794]. The Motion

1 seeks entry of an order approving the Proposed Settlement<sup>1</sup> between the USACM Trust, Fiesta  
 2 Development, Inc. (“Fiesta”), Ashby USA, LLC (“Ashby USA”), Richard K. Ashby  
 3 (“Ashby”), Random Developments, LLC (“Random”), and Ashby Development  
 4 Company, Inc. (“Ashby Development”)<sup>2</sup>.

6 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief  
 7 sought in the Motion, or if you want the Court to consider your views on the Motion, then you  
 8 must file an opposition with the Court, and serve a copy on the person making the Motion ***no later***  
 9 ***than 15 days*** after the date of this Notice. If the hearing date has been set on less than 15 days’  
 10 notice, then the opposition must be filed and served ***no later than 5 business days*** before the  
 11 hearing. The opposition must state your position, set forth all relevant facts and legal authority,  
 12 and be supported by affidavits or declarations that conform to Local Rule 9014(c).

14 If you object to the relief requested in the Motion, you ***must*** file a **WRITTEN** response to  
 15 the Motion with the Court. You ***must*** also serve your written response on the person who sent  
 16 you this notice.

18 If you do not file a written response with the Court, or if you do not serve your written  
 19 response on the person who sent you this notice, then:

- 20 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 21 • The Court may *rule against you* without formally calling the matter at the hearing.

22 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before  
 23 the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building,  
 24

25 <sup>1</sup> Unless otherwise defined, capitalized terms are used as defined in the Motion.

26 <sup>2</sup> Fiesta, Ashby, Ashby USA, Random, and Ashby Development are collectively referred to as the  
 “Defendants.”

300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada  
89101 on **Friday, February 20, 2009, at 10:30 a.m.**

Dated: February 10, 2009

**DIAMOND MCCARTHY LLP**

**LEWIS AND ROCA LLP**

By: /s/ Stephen T. Loden  
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*Counsel for USACM Liquidating Trust*

*Special Litigation Counsel  
for USACM Liquidating Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 10<sup>th</sup> day of February 2009, I served a true and correct copy of the foregoing **NOTICE OF HEARING ON MOTION FOR APPROVAL OF SETTLEMENT PURSUANT TO RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE** by electronic transmission to all parties on the Post Effective Date Service List and counsel for all Defendants as set forth below:

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